

**ORGANIZATIONAL / REGULAR MEETING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT TOWN HALL, 8635 CLINTON STREET, NEW HARTFORD, NY ON
WEDNESDAY, APRIL 21, 2021 @ 6:00 P.M.**

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Town Supervisor Anthony J. Trevisani
Personnel Technician Barbara Schwenzfeier
Town Attorney Herbert Cully
Acting Town Clerk Cheryl Jassak-Huther
Highway Superintendent Richard Sherman
Deputy Registrar Kayla Empey
Account Clerk Lisa Smigle

Thereafter a quorum was declared present for the transaction of business.

I. PRESENTATIONS/COMMENTS

A. US Light Energy – Emma: Community Solar Developer located out of Latham, NY; develop community solar farms throughout NYS; started in 2016; first project was in Saratoga, NY and completed in 2019; Community Solar has many benefits – a clean renewable energy source, it converts sun into electricity, allows subscription to use the renewable energy – so as a subscriber, to the clean energy it creates, you accumulate credits towards the balance on your utility bill (reducing the cost of your electricity & helping put clean, renewable solar energy into the energy supply); Communities that host solar farms receive a benefit too. You have access to renewable energy. There is a financial gain to the jurisdictions for hosting a community solar farm.; Preliminary design for this project is a 55 acre parcel off of Oxford Road (south – past Snowden Hill, by Chadwicks) owned by Scott Owens; zoned agricultural; solar project will comprise of about 20 acres; access to the property will be off of Oxford Road; the point of interconnect – where the export of electricity generator – will be located off Oxford; the access road follows a tree line; the panels are enclosed with a 7 foot high fence with a double swing locking gates; all signage complies with NYS electric code; the access road that continues inside the array to the point where an equipment pad would be, which is where the transformer will be located.; Approx. 1300 ft. from the road; Design around clear fields; Incorporated some set back in the event that there are property owners –

designed the site within the available area; tree will need to be cleared on the property; sheep grazing as an alternative to lawn mowing – owner Scott Owens – has had sheep in the property as he has had them in the past; Maximum height of the solar arrays are 12-15 ft. in height; partner with registered civil engineers who will stamp and design according to all state and national code; also partner with registered environmental companies do extensive research on wetlands, endangered species, US fish and wildlife, US DEC – that process has not started.; Left with questions on how to move this project forward – review the code – asked for list of approved zone districts.; spoken to National Grid and they have gone through the process and will require upgrades; Community Solar Farm – not serving a specific entity – allows for a subscription, has a capacity – the project will benefit the community – will produce enough energy for 400 homes – 10 – 15% discount on bill for the supply.

Town Attorney Herbert Cully – The way we worded the ordinance is to provide that The Town Board has full jurisdiction to designate specific locations where solar would be permitted. The process would be a formal request to the Board as it relates to that site and the Board would have an opportunity to review it and make a determination as to whether or not they deemed it to be appropriate. Then a special permit application would be submitted. The Planning Board would review it, there would be a full seeker and we would go right through the approval steps. The only places that were designated initially were an anticipation of a project that the Town might be going forward with on Middle Settlement Road.

Supervisor Paul A. Miscione – We are looking to have a current least deal, like we do for our cell towers, we get a monthly fee in for the land use and then after that, to a certain mega wait and then after it would go to reduce our bills at the Town Hall and at the Rec Center Highway garage. There is one 20-acre parcel total on Middle Settlement which we are looking to do.; Feasibility study – Middle Settlement Road would do that but the one over by Sherrill Brook Park - the list is actually filled up and we would have to negotiate with another land owner to get off the list so we can get on. There is also a Senior Housing project – they also wanted to do solar and piggyback with us – that is a State project. There were some incentives and some tax credits they would get. Middle Settlement Road would be the best location and the best economical for everyone.

Scott Owens (property owner) – If cannot use it for additional use, then have no use for it – sheep can still graze in it; the height is good for the sheep. US Light Energy has met this; Emma – can produce additional visuals; the panels face South; impact visual is minimal. Emma can get more details together to the residence for a public hearing; the panels will stand a max of 12-15 off the ground; the fence is 7ft. (a chain link fence with a vinyl coding); Paul to Herb – would they have to get a separate zoning for the fence since it is 7ft not 6ft (6ft is the max. for the code). Emma – can do 6 ft.

Town Attorney Herbert Cully – so you would initiate the request to the Town Board by a letter of submission. I would supply some sort of plot plan which would show the entire parcel in the specific area you are going to designate as well as where the panels are going to located. Also, indicating the distances from the other houses and properties in the

vicinity.; Lighting which would be require or noise – should be addressed in your submission.; Emma can produce a noise report – says is minimal. The hum runs 24 hours - as the sun is pounding on the panels and when the sun is not, the activity is less. Emma will begin the process to give a formal submission and will give all the details that the Board is looking for.

B: 1. Assemblyman Brian Miller – He got a call from Lewis Scan back in October with a request. He is asking for a speed reduction on Rt. 12 from the New Hartford Town Line by Chuckery Corner north to Genesee Street; he had some good points – the park up there, he wanted to know how to initiate this – got in touch DOT to ask if there were any speed studies done and there answer was no there has not been. The park is a beautiful place and the speed coming down the hill; Supervisor Paul A. Miscione – this winter we will be introducing snow shoeing and cross country skiing up at the park; Town Attorney Herbert Cully - Tibbits Road to Utica National would be a good idea.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Woodland:

(RESOLUTION NO. 131 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the speed study to be conducted on Rt. 12 from the New Hartford Town Line (Tibbits Road to Utica National).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. Assemblyman Brian Miller - Bridge out on Rt. 8 – getting calls of the lack of slowing everyone down – Believe it will be a State Trooper situation.

3. Assemblyman Brian Miller – Albany - \$212 Billion Budget; a lot of good things in there, a lot of bad things in there; a lot of Federal relief; there are additional monies out there; questions on the marijuana distribution – opt in/opt out – if you opt out, you don't get to enjoy any of the tax revenue; Supervisor Paul A. Miscione – like I said on the radio – if you have communities that are next to you doing it and you opt out, not only do you not get the money, you still got the traffic through there, it's a tough situation. What is going on with eviction - it's an ongoing thing; Town Attorney Herbert Cully – the problem is a lot of attorneys, don't have the time, with all the delays, landlords – there are tenants that are working and making money and not paying their rent because they know they don't have to because there is nothing anyone can do. Someone has to do something;

Supervisor Paul A. Miscione – it is hurting communities. The problem is you have bad tenants and you cannot get rid of them and it is now hurting communities and neighbors next door. Assemblyman Brian Miller – the landlords are not receiving any income on this. It is a vicious cycle. I understand why some of the laws were put in when COVID was first there last year but we are coming out of it.; Supervisor Paul A. Miscione – asked if Assemblyman if he thinks he will extend it again after May; Assemblyman Brian Miller responded – I hope we don't but looking at the makeup of this legislature, you will probably see it.; Supervisor Paul A. Miscione - How can the state afford it, not have evictions? Assemblyman Brian Miller - We have a very progressive 1:1 party control legislature. Supervisor Paul A. Miscione – I am sure there are Democratic people that own housing and there are people affected all over.; Assemblyman Brian Miller – look at some of the debates and bills – you will see where the votes are coming from – most are coming from Downstate – Downstate legislators are doing what we can. There is more money for Chips, Bridge NY, Pave NY – we fought for that for the last six years. – will give reports as things go on, in Albany once a week to be on the floor, everything else is virtual; 2 ½ months of session left. There is funding - hopefully, we come out of this COVID and get small businesses back up and running around here. We are all trying to help.; Highway Superintendent Richard Sherman – Assemblyman has come through with grants; watching for grants for Chadwicks – for new waterlines, new road, new sidewalks, new lighting – right through that hamlet.; Assemblyman Brian Miller – we keep looking for grants and anything we can do to help. There are things out there. Call my office and will hopefully get everyone back to where they got to be.

Assemblyman Brian Miller – Group - Environment impacts along the Sauquoit Creek Basin – Hamilton College did the study. Is that group still meeting? Supervisor Paul A. Miscione – nothing has gone on with them – Paul working on the NYSERTA Clean Energy Community – a lot of the people still home because of COVID stuff – plus we would have to reinstate everyone to rejoin back up – because it was only an appointment for so much time.; Assemblyman Brian Miller – the basins are near and dear to my heart – tell everyone in Whitestown - the water comes from Paris and everything we do up here helps everyone at the other end.

II. REPORTS OF TOWN DEPARTMENTS

1. Town Clerk's Office

- a. DEC License – the application was approved – training material received and once reviewed and the quiz is taken it can be handed in to the state, can then train Jade and everyone in the office and start issuing licenses
- b. E-ZPass Application – received a call about purchasing E-ZPass through the Town Clerk's Office and I referred them to Hannaford and Price Chopper to purchase a pass. While looking up a location to where people can purchase a pass, they are called E-ZPass on the Go tags. Since there are no toll booths now on the thruway, people are looking to purchase a tag and I'd like to get approval to move forward with the application to do so through the Town Clerk's Office. I gave Herb a copy of the resolution (Herb read the resolution to the Board).

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Woodland:

(RESOLUTION NO. 132 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve for the Town Clerk to fill out the application from the New York State Thruway Authority to sell E-ZPass on The Go Tags in the Town Clerk's Office.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- c. Credit Card payments through BAS (our current dog license program) – we have a lot of people coming in for birth certificates, death certificates and marriage licenses. I would like to get approval to contact the BAS system that we use for the dog license program to see how we go about using credit card payments because right now we are accepting cash and money orders.; Personnel Technician Barbara Schwenzfeier – (BAS) we use that for the dog parks, pavilions, summer program; Cheryl – right now we are sending people over to Adirondack Bank (ATM) around the corner. We can do everything online vs sending them over to the bank to get cash; Barb and Paul – BAS uses FORTE; Herb – hoping to have an ATM machine at the Town Office – there was one company that was very interested and they were supposed to supply an agreement which he never received. Need to follow up on it.; Councilman Messa – to have a resident come in and have to leave – we have the capabilities, let's just make that happen so that they can use a credit card, a simple transaction, it's done and everyone is happy and we can move on.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 133 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve for the Town Clerk to contact BAS and look into how the Town Clerk's Office can start accepting credit card payments for birth certificates, death certificates, marriage licenses, etc.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye

Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- d. Local Government Records Management Improvement Fund Grant – provides grants to local governments and assists local governments to establish records management programs such as document conversion and access, files management, historical records and inactive records. Applications for the 2020-2021 cycle have ended. The 2021-2022 application period has not opened yet but I have gone ahead and registered and created an account and once that cycle opens for the next time, they will email me, once the cycle has been approved and it opens up, if I can have approval to go ahead and apply for the grant, which we can request up to \$75,000 for the Town Clerks Office for the Records Management.

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Messa:

Councilman Messa – quick discussion – that is scanning and archiving the files?; Cheryl – Yes, and I have things I can go over with Councilman Messa – a lot of information about the grant and other municipalities that have received the grant, what for and how much they have received.

(RESOLUTION NO. 134 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve for the Town Clerk to apply for the Local Government Records Management Improvement Fund Grant.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

III. BOARD MINUTES

A. January 6, 2021

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 135 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the January 6, 2021 Board Minutes

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

B. February 20, 2021

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 136 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the February 20, 2021 Board Minutes

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

C. March 10, 2021

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 137 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the March 10, 2021 Board Minutes

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye

Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

D. March 19, 2021

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 138 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the March 19, 2021 Board Minutes

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

E. March 24, 2021

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 139 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the March 24, 2021 Board Minutes

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

F. March 29, 2021

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 140 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the March 29, 2021 Board Minutes

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

All minutes will be posted on the Town's website; Councilman Messa – thanks for getting those all done. Supervisor Paul A. Miscione – we are up to date for 2021

IV. Account Clerk - Lisa Smigle – Vouchers

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 141 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the vouchers.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

V. Highway Superintendent Richard Sherman

A. Approval to rebid Middle Settlement Road Retention Pond – received four bids – discrepancy and error in one of the bids; fairest thing to do is to reject the bids and rebid

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 142 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to reject the bids for the Middle Settlement Road Retention Pond.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 143 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to go out to rebid for the Middle Settlement Road Retention Pond.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 144 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to return the bid documents/deposits for the Middle Settlement Road Retention Pond.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

B. Sewer Substation on Homestead Road East – total rebuild of pump station; had six bids 1. \$158,295 from USmail Electric 2. \$217,400 from Beebe Construction 3. \$174,200 from Spensiezi Diversified 4. \$188,000 from Jones Specialty Service Group 5. \$198,000 from Grant Street Construction 6. \$158,200 from Borderline Excavating and Fence out of Johnstown, NY; Dunkel looked them over and called the contractor and sees no problem giving it to the lowest bidder.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 145 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to reward a letter to Borderline Excavating and Fence and accept the lowest bid rebuild for the Homestead Road East Sewer Substation.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

C. Approval to rebid Dehumidifier for Rec Center – no one bid on it last time; go back out for bid

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 146 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to go out for bid for a dehumidifier for the Rec Center.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

D. Paving of Streets – 2021 Summary of New Hartford Streets

1. Assemblyman Miller gave back a 32.1% increase in chips – Pave NY ; 15% gave back from last year – last week the other 5% (total of 20%); 2021 Summary of New Hartford Street have been budged, including Oneida Street and Oneida Street South;

looking into the water line from Elm Street to the Town of Paris – making sure that water line is not in that road; 1st Phase will start the third week in May and the 2nd Phase will probably be the middle of July

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 147 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to start the projects of paving.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Supervisor Miscione – BOND - \$350,000 from the current year budget – budget transfer of \$21,000 at the next meeting from the 2020 Fund from NYS and then the two Oneida Street projects for the \$113,000 will come out from the last band we did for road improvements for Oneida Street.

E. Highway Superintendent Richard Sherman Transfers - \$2,500.00 out of paving (DB 5112.40) to Machinery Equipment (DB 5130.02) and \$2,499.00 out of Sewer contractual (SS 8110.40) to Machinery Equipment (DB 5130.02) for a paving machine

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 148 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the budget transfers for the paving machine.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

F. Highway Superintendent Richard Sherman - Hire a summer laborer – Bill Thomas - \$15/hour – start date of Monday, April 26, 2021.

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 149 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to hire a summer laborer (Bill Thomas) for the Highway Department.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

G. Three quotes were received from surveyors for the Foxcroft retention pond – the lowest quote was from Chapin Land Surveyors out of Hamilton, NY. The Woodberry subdivision - \$1,350.00 and the Woodberry stakeout \$2,825.00 – that would come out of the grants - three weeks to complete.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 150 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the \$1,350.00 for the Woodberry subdivision.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 151 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the \$2,825.00 for the Woodberry stakeout.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

H. Supervisor Miscione – (before Rick's presentation) – Clintonview residents have had some issues with water problems - Jim Brock owns the property for sale – said he would sign an easement for the Town to go on the property to try to alleviate some of the water damage and issues that they are having there. Paul will meet with Jim to have the temporary easement signed to do the work and help out the residents there

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 152 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the easement for Jim Brock to sign.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

I. Highway Superintendent Richard Sherman – he has 20,000 cubic yards of dirt available – opening it up to the town, residents, anyone who can use it. We can put it on the website to offer it.

J. Highway Superintendent Richard Sherman – reviewed with the Board - Town of New Hartford Construction Projects by: Project #/Contract #, Description, Project Type, Location, Priority (high, medium, low), Approval Date, Projected State Date, Projected Completion Date, Revised Completion Date, Completion Date, Ward/Area, Project Status, Contract Price or Project Estimate/Grant request, Completed Cost/Project Cost, Grant Funding Source, Grant/Funds reimbursed to date, Variance Funds by Town, Grant/Funds Balance Remaining, and Comments

VI. MATTERS SUBMITTED BY COUNCILMEN

A. Councilman Messa

1. Resolution for Red Hill Road – reduce speed – Form sent from Oneida County Legislator Mary Pratt – the study is needed from Oneida Street to Neal's Gulf Road – the form was signed by the Town Clerk and sent to the

Regional Traffic Engineer, Region 2, New York State Department of Transportation

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Woodland:

(RESOLUTION NO. 153 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to move forward with the Red Hill Road speed study.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 154 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Town Clerk to execute and transmit the request for the traffic/speed study on Red Hill Road between Oneida Street and Neal's Gulf Road and then send it to Oneida County.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

B. Councilman Lenart

1. New Hartford Hotel (former Ramada) – Champion Road
Town Attorney Herbert Cully – Paul, Herb and Chief met with Attorney Joe Hobika and the owner of the New Hartford Hotel; noticed a hearing to a nuisance; they requested to sit down to discuss what the issues are and what possible steps they could come forward with to resolve the issues; last time they met with them, one of the key recommendations Paul made was that they have certified security on premises, that they take steps to make sure that the people coming in for rooms, that they get a drivers license, credit card information, rather than people paying cash and you don't know who they are.

Joe Hobika asked for two weeks to report back as to what steps they will take; Herb has not heard back from him and it's been almost four weeks so Herb gave him a call and spoke to his client; Herb also spoke to the police and things have gotten much better over there. The only complaints that they have had in the past few weeks are some sort of argument or altercations in the lobby of the hotel and they had two complaints of noise. Where one resident was complaining that someone was making too much noise. Joe has talked to his client. His client is taking steps to obtain more information from anybody that he rents to. As Paul has suggested, in terms of, getting a driver's license or credit card. He is taking less renters. They designated one of their employees who is enrolled now in a formal training program to be certified as a security guard with the hope that they will hire him as on premises security. The other thing that they are looking into is the idea of maybe converting that into some type of long-term rental facility which would require a zone change. Joe said he would get back to Herb within the next couple of weeks. Supervisor Miscione – It's been a long time now. We should request that the owner has a certified security person now until the time comes that he figures out who he's going to train. This just keeps going on and taking time out of our police department to handle these nuisance calls, 24/7. We need action. I say we go ahead and get nuisance abatement. Herb – will send a letter indicating that the Board was unhappy with the report. That we feel that there should be immediately be certified security on premises as we cannot afford to keep sending police officers over there. Herb will ask for a report within seven days as to having obtained certified security. If not, it's our intention to proceed to schedule the hearing. Please advise to appropriate hearing dates.

C. Councilman Reynolds

1. PD building risk assessment – working with Rick Sherman and the PD on the assessment of the building; very comprehensive and compliments to the officers that prepared it.
2. Solar Power – spoke to the Town Supervisor in Clay – he provided documents that they use – power purchase agreement and RFP, that they send out and they built two for their facilities (believe Town Hall and Rec Center). If this can be helpful to use.
3. Credit Cards – We can't pay town taxes online, is that true?; Supervisor Miscione – You can pay online.; Councilman Reynolds – cost involved?; Supervisor Miscione – there is always a cost involved.; Dog licensing you can add the cost in or renting a pavilion you can add the cost in but not for town taxes.

VII. MATTERS SUBMITTED BY TOWN SUPERVISOR/TOWN ATTORNEY

- A. Approval to sign Agreement with Oneida County for early voting Highway Superintendent Richard Sherman – concerns about the cost they pay us per day, the amount of work for the employees to clean; Supervisor Miscione – it is a convenience to our residents – Rick is right, the cost is so small – Supervisor Miscione can go and talk to them and see if we can get additional funding for it. The agreement is the same for every site, \$100 per day; Go ahead with this June and renegotiate for November – it's not cost effective at this rate – someone has to be here the entire time – also with COVID in terms of cleaning. The County does appreciate all that we do (Rick and his employees). The public loves the early voting and it's a convenience and they are appreciative. For the primary it will be just the people from New Hartford.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 155 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Oneida County Board of Election early voting agreement.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- B. Approve fireworks applications
1. Preswick Glen – June 11, 2021 – for their residence – 18 to 20 minutes long – we're just issuing them the permit and if the state says no or the county (Due to COVID), it's up to them. We're just approving the permit for their location.

Councilman Woodland introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 156 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the fireworks permit for Preswick Glen.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. Yahnundasis Golf Club - application not fully processed yet, they will be sending it in; application for their firework event

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Lenart:

(RESOLUTION NO. 157 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the fireworks event for Yahnundasis Golf Club.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

C. Approval to sign Sangertown easement – retention pond near Commercial Drive - permit was signed by Supervisor Miscione and the DEC – need motion to approve the joint application to turn into the DEC for the grant program from the county for the retention pond

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 158 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the joint application to turn into the DEC for the Retention pond.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

D. Budget Adjustments – Account Clerk Lisa Smigle
1. Account for new grant money received for the Woodbury Retention Pond – Increase DB1440.400 for \$11,752.04 and increase DB230003 Woodbury grant Revenue for the same amount (\$11,752.04) for 2021

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 159 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to the Increase of DB1440.400 for \$11,752.04 and increase of DB230003 Woodbury grant Revenue for the same amount (\$11,752.04) for 2021.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

2. 2020 – Increase Woodbury Retention for \$58,746.90 and increase the revenue DB23003 Grant Revenue Woodbury for \$58,746.90 for grant monies received; book to 2020

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 160 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the increase Woodbury Retention for \$58,746.90 and increase the revenue DB23003 Grant Revenue Woodbury for \$58,746.90 for grant monies received.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

- E. Retirement Reporting Resolution – Herb Cully (updated from last meeting)

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 161 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the retirement reporting for Town Attorney Herbert Cully.

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

F. Discuss Village of New Hartford court fees for fines – Town Attorney Herb Cully – there is no more Village Court anymore – everything is handled through the Town Court – the Village has requested, they just had a codes violation on Oxford Road and there was a \$750 fine that was assessed by Judge Virkler and they are asking for some portion of that fine – Herb has contacted the Association of Towns and they are going to provide Herb with whatever information they can as to a formula on how to allocate. We are paying for the judge, all the fees for the court; however, they feel they should be entitled on any parking tickets or any violations, to receive some portion of that. From Herb's reading of the Law, they are entitled to some back but have to come up with a formula which Herb is trying to do.; Supervisor Miscione – asked how does that affect us because when we did the consolidation, when we did the grant and stuff, we put in there that we would be getting all the income because we were accruing all the expenses.; Town Attorney Herb Cully – We did it for all the tickets, all the police tickets, in terms of, the traffic violations and things such as this. The codes are enforced through their codes officer, through a village Local Law so that's different than vehicle and traffic. That's why we have to come up with – they get some portion – they don't get it all – because we have our administrative cost but where it rises out of a village ordinance then it is usually fully payable to the village but in our case because we run the court, there is an allocation. So what the Association of Towns was going is, they're going to pull any Legislation they can find which tells you how to allocate.; Supervisor Miscione – Parking tickets are issued by our police department though; Town Attorney Herb Cully – but it's a parking ordinance in the Village, it's a Village no parking/village codes; Supervisor Miscione – the agreement was we all the revenue; Town Attorney Herb Cully – Codes Violation – is a non-criminal violation – that's what they were looking for. They're looking for some part of the Codes Village Fines – will have more information for the next meeting.

G. Supervisor Miscione – Need a Board Resolution for the Town Justice Report and Management letter for the audit year ending December 31, 2019 – acknowledge that an examination was conducted – both the copy of the audit and resolution should be sent to the New York State Unified Court System

Councilman Lenart introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 162 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve the Town Justice Report and Management letter for the audit year ending December 31, 2019

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Supervisor Miscione – We have an Executive Session to discuss the Highway Department Contract, the New Hartford Central School District Pending Tax Certiorari Matters and a specific employee.

Supervisor Miscione – American Rescue Plan – We're going to get 2.39 million dollars – some has to be allocated towards the two villages that we surround. We have the guidelines.

Personnel Technician Barbara Schwenzfeier -Got a letter in the mail from Unemployment – there is a program out there because of COVID – they have given a relief - we have \$39,000 credit with them; Councilman Messa – the Supervisor and I have talked about this, how you can allocate some of this for water, constituent on Oxford Road – a certain portion – they don't have water – guy is looking into doing a new well and doesn't know if he should invest that, if we are going to run a waterline down – it is in a tough spot.; Supervisor Miscione - Woods Road – there was a water issue – then housing development came in they were going to pay for it but then they lost out because the housing development didn't come in – that may be another area we can get waterlines to.; Councilman Reynolds – end of Merritt Place is another area; Supervisor Miscione – will have to reach out to the residents to see if they want it, do they have the funding and will they tap into it. Will keep everyone updated.

Councilman Messa introduced the following Resolution for adoption and seconded by Councilman Reynolds:

(RESOLUTION NO. 163 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to go into Executive Session (8:14 p.m.).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa - Aye
Councilman Lenart - Aye
Councilman Reynolds - Aye
Councilman Woodland - Aye
Supervisor Miscione - Aye

The Resolution was unanimously carried and duly *ADOPTED*.

Councilman Reynolds introduced the following Resolution for adoption and seconded by Councilman Messa:

(RESOLUTION NO. 164 OF 2021)

RESOLVED, the Town of New Hartford Town Board does hereby approve to return from Executive Session (9:07 p.m.).

The Town Board voted upon roll call, resulting as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

The Resolution was unanimously carried and duly *ADOPTED*.

ADJOURNMENT:

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and second by Councilman Messa, the meeting was adjourned at 9:10 p.m.

(RESOLUTION NO. 165 OF 2021)

RESOLVED that the New Hartford Town Board does hereby accept and approve as submitted the approval to adjourn

Upon roll call, the Board members voted as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly *ADOPTED*

Respectfully submitted,

Cheryl A. Jassak-Huther
Acting Town Clerk